

CITY COUNCIL AGENDA

NOVEMBER 19, 2013

AMENDED AGENDA

PETE CONSTANT	DISTRICT 1		PIERLUIGI OLIVERIO	DISTRICT 6
ASH KALRA	DISTRICT 2		MADISON NGUYEN, VICE	MAYOR DISTRICT 7
SAM LICCARDO	DISTRICT 3	CHUCK REED MAYOR	ROSE HERRERA	DISTRICT 8
KANSEN CHU	DISTRICT 4		DONALD ROCHA	DISTRICT 9
XAVIER E. CAMPOS	DISTRICT 5		JOHNNY KHAMIS	DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- *Strategic Support Services* The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- Community & Economic Development Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- *Neighborhood Services* Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- *Transportation & Aviation Services* A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- *Environment and Utility Services* Manage environmental services and utility systems to ensure a sustainable environment for the community.
- *Public Safety Services* Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council. If you wish to speak to the City Council, please refer to the following guidelines:

- o Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard. This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 7 p.m. as needed, unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

To request an accommodation or alternative format under the Americans with Disabilities Act for City-sponsored meetings, events or printed materials, please call (408) 535-1260 or (408) 294-9337 as soon as possible, but at least three business days before the meeting.

On occasion the City Council may consider agenda items out of order.

Call to Order and Roll Call

9:00 a.m. - Closed Session, Call to Order in Council Chambers
Open Session, Labor Negotiations Update (See Item 3.2)
Adjourn to Closed Session in Council Chambers Conference Room, W133
See Separate Agenda

1:30 p.m. - Regular Session, Council Chambers, City Hall

7:00 p.m. - General Plan Hearings, Council Chambers, City Hall

7:00 p.m. - Public Hearings, Council Chambers, City Hall

• Invocation (District 10)

Father Demosthenes Paraskevaidis, Saint Nicholas Greek Orthodox Church

Pledge of Allegiance

• Orders of the Day

* Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

- 1 - CC 11/19/13

- Orders of the Day
- * SEE NEW ITEM 5.2, "CALEMA Grant Application for San José Family Camp," TO BE ADDED UNDER ORDERS OF THE DAY. REQUIRES A DETERMINATION BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS OF THE COUNCIL PRESENT AT THE MEETING, OR, IF LESS THAN TWO-THIRDS (2/3) OF THE MEMBERS OF THE COUNCIL ARE PRESENT AT THE MEETING, A UNANIMOUS VOTE OF THOSE MEMBERS PRESENT THAT THERE IS A NEED TO TAKE IMMEDIATE ACTION. Council's Rules of Conduct, Resolution No. 76475, Rule 3(d).
- * Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

<u>ADJOURNMENT</u>: This meeting will be adjourned in memory of Sgt. Ronald Sebastian Bondi, who retired from the San José Police Department in 1997 after 29 years of service. A San José native, Sgt. Bondi graduated from San José High School before serving the Santa Clara County Sherriff's Department and SJPD in Intelligence, Personnel and Street Crimes. (Rocha)

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

Closed Session Report

1. CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to the Ramirez family for their selection as this year's La Familia Award recipients. (Campos)
- 1.2 Presentation of a proclamation declaring the Month of November as "Sikh Awareness Month" in the City of San José. (Kalra)

TO BE HEARD IN THE EVENING

- 1.3 Presentation of a proclamation in support of the Shop San José Campaign to Women Impacting Public Policy and representatives of San José's neighborhood business associations declaring November 30, 2013 as "Small Business Saturday" in the City of San José. (Herrera/Economic Development)
- * (Rules Committee referral 11/13/13)

- 2 - CC 11/19/13

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation:

- (a) Regular Minutes of August 13, 2013
- (b) <u>Minutes of the Joint Council/Successor Agency to the Redevelopment Agency/Diridon Development Authority of August 13, 2013</u>
- (c) Regular Minutes of August 20, 2013
- (d) Regular Minutes of August 27, 2013

2.2 Final Adoption of Ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 29331 Rezoning certain real property situated on the southeast corner of South Bascom Avenue and Woodard Road on a 0.73 gross-acre site (3702 South Bascom Avenue) from the CP Commercial Pedestrian Zoning District to the CN Commercial Neighborhood Zoning District.
- (b) ORD. NO. 29332 Amending Sections 3.36.610, 3.36.620 and 3.36.1600 of Chapter 3.36, the 1961 Police and Fire Retirement Plan, of Title 3 of the San José Municipal Code to require members to pay the member's share of contributions when receiving supplemental military pay from the city.
- (c) <u>ORD. NO. 29334</u> Amending various sections of Titl 24 of the San José Municipal Code to adopt the 2013 California Building, Residential, Plumbing, Mechanical, Electrical Codes, California Existing Building Code, California Historical Building Code, California Green Building Standards Code and 2012 International Existing Building Code with certain exceptions, modifications and additions.
- (d) <u>ORD. NO. 29338</u> Rezoning certain real property situated on the northeast corner of Klein Road and Groesbeck Hill Drive on a 0.56 gross-acre site (2560 Klein Road) to the R-1-5 single-family residence zoning district.
- (e) ORD. NO. 29339 Rezoning certain real property situated on the southeast corner of Race Street and Parkmoor Avenue (APN: 264-06-096), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.

(Item continued on the next page)

- 3 - CC 11/19/13

CONSENT CALENDAR 2.

2.2 Final Adoption of Ordinances. (Cont'd.)

- (f) ORD. NO. 29340 – Rezoning certain real property situated on the northwest corner of Fallingtree Drive and North Capitol Avenue (APN: 24439042), from the A(PD) Planned Development Zoning District to the A(PD) Planned Development Zoning District.
- ORD. NO. 29341 Rezoning certain real property situated at the north east (g) corner of South De Anza Boulevard and Via Vico (1090 South De Anza Boulevard); (APN: 37225015), to CP(PD) Planned Development Zoning District.

2.3 **Approval of Council Committee Reports.**

Recommendation: Approval of Council Committee Reports.

- Airport Competitiveness Committee Report of September 16, 2013. (Mayor)
- Rules and Open Government Committee Report of October 23, 2013. (Mayor) (b)
- Community and Economic Development Committee Report of October 28, 2013. (c) (Herrera)
 - **DEFERRED TO 12/3/13 PER CITY CLERK**
- Rules and Open Government Committee Report of October 30, 2013. (Mayor) (d)
- Transportation and Environment Committee Report of November 4, 2013. (e) (Liccardo) Supplemental
- 2.4 Mayor and Council Excused Absence Requests.
- 2.5 City Council Travel Reports.
- 2.6 Report from the Council Liaison to the Retirement Boards.
- 2.7 Purchase Order with Capstone Fire Management Systems for Confined Space **Rescue and Emergency Services.**

Supplemental

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Recommendation: Authorize the City Manager to:

- Execute an Open Purchase Order with Capstone Fire Management Systems, Inc. (a) (San Diego, CA) for confined space rescue and emergency services at the San José-Santa Clara Regional Wastewater Facility for the period of November 22. 2013 through November 21, 2014, in an amount not-to-exceed \$400,000; and
- Exercise four additional one-year options to renew the Purchase Order, subject to (b) the annual appropriation of funds.

CEQA: Not a Project, File No. PP10-066(a), Agreements and Contracts. (Finance)

CC 11/19/13 - 4 -

2.8 <u>Affordability Restriction with Habitat for Humanity East Bay/Silicon Valley on</u> Humboldt Street.

Recommendation: Adopt a <u>resolution</u> authorizing the Director of Housing to execute a 45 year <u>affordability restriction</u> delegating monitoring to Habitat for Humanity East Bay/Silicon Valley that will be recorded on Habitat's property at 260 West Humboldt Street. CEQA: Exempt, File No. PP13-094. (Housing)

2.9 Amendments to the City Pay Plan for Various Classifications.

Recommendation: Adopt a resolution to:

- (a) Amend the City of San José Pay Plan effective November 19, 2013, to create the following classifications:
 - (1) Public Information Manager (1675)
 - (2) Department Information Technology Manager (1372)
- (b) Amend the City of San José Pay Plan effective November 19, 2013, to delete the following obsolete classes:
 - (1) Plant Shift Supervisor I/II (3614/3618)
 - (2) Senior Plant Operator I/II (3613/3655)

CEQA: Not a Project, File No. PP10-068(b), Municipal Code change to Title 3, Personnel. (Human Resources)

2.10 <u>Initiate Proceedings for Annexation of Moorpark No. 22.</u>

Recommendation: Adopt a <u>resolution</u> initiating proceedings and setting <u>January 14</u>, <u>2014 at 1:30 p.m.</u> for Council consideration of the reorganization of territory designated as Moorpark No. 22, which involves the annexation to the City of San José of approximately 1.137 gross acre of land located at the west side of Thornton Way, approximately 260 feet north of Maywood Avenue and the detachment of the same from the appropriate special districts including West Valley Sanitation, Co Lighting County Service, Central Fire Protection, and Area No. 01 (Library Services) County Service. CEQA: Mitigated Negative Declaration, Resolution to be adopted with Item 10.6. Council District 6. (Planning, Building and Code Enforcement)

2.11 Actions Related to the Gun Buy Back Program.

- * **Recommendation:** Adopt the following Appropriation Ordinance amendments in the Federal Drug Forfeiture Fund:
 - (a) Increase the Police Department's Non-Personal/Equipment appropriation for the San José Gun Buy Program in the amount of \$20,000; and
 - (b) Decrease the Ending Fund Balance by \$20,000.

CEQA: Not a Project, File No. PP10-067, Non-Project Specific Funding Mechanism. (Police/City Manager's Office)

- 5 - CC 11/19/13

2.12 <u>Actions Related to the Agreement with City and County of San Francisco for the</u> 2013 Urban Areas Security Initiative Grant Funds.

Recommendation:

- (a) Adopt a <u>resolution</u> authorizing the City Manager to execute an <u>Agreement</u> between the City of San José and the City and County of San Francisco, acting as fiscal agent for the Bay Area Urban Areas Security Initiative (UASI), to accept the 2013 UASI grant allocation in the amount of \$983,000 and to negotiate and execute additional amendments and related documents without further Council action.
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund:
 - (1) Establish a City-Wide Expenses appropriation to the Police Department for the Urban Areas Security Initiative Grant Police 2013 in the amount of \$354,000;
 - (2) Establish a City-Wide Expenses appropriation to the Fire Department for the Urban Areas Security Initiative Grant Fire 2013 in the amount of \$420,000; and
 - (3) Increase the estimate for Revenue from the Federal Government by \$774,000.

CEQA: Not a Project, File No. PP10-066(g), Memorandum of Understanding. (Police/Fire/City Manager's Office)

2.13 Vacation of South Baywood Avenue.

Recommendation: Adopt a <u>resolution</u> summarily vacating a portion of South Baywood Avenue, north of Tisch Way. CEQA: Mitigated Negative Declaration, File No. PDC10-018. Council District 6. (Public Works)

2.14 Property-Based Business Improvement District Financial Report.

Recommendation: Approval of the Downtown San José Property-Based Business Improvement District Annual Financial Report for FY 2012-13. The report provides information to the public and the property owners in the District regarding the use of the assessments and the management and operations of the District. CEQA: Exempt, File No. PP12-053. (Transportation)

2.15 <u>Commodore Park Grand Opening.</u>

Recommendation: As recommended by the Rules and Open Government Committee on November 6, 2013:

- (a) Approve the Commodore Park Grand Opening as a City Council sponsored Special Event; and
- (b) Approve and accept donations from various individuals, businesses or community groups to support the event.

CEQA: Not a Project. (Chu)

[Rules Committee referral 11/6/13 – Item G(2)]

2.16 Policy for Distribution of Tickets or Passes to City/Agency Officials.

Recommendation: As recommended by the Rules and Open Government Committee on November 6, 2013, adopt a <u>resolution</u> approving revisions to Council Policy 9-11, "Policy for Distribution of Tickets or Passes to City/Agency Officials." CEQA: Not a Project, File No. PP10-068(c), Code or policy change that involves no physical changes to the environment. (City Attorney)

[Rules Committee referral 11/6/13 – Item G(3)]

2.17 City Manager Compensation Package.

Recommendation: Adopt a <u>resolution</u>:

- (a) Approving the terms of compensation increasing the salary and reducing the deferred compensation for the City Manager, Ed Shikada, effective December 21, 2013:
- (b) Amending the City of San Jose Pay Plan effective December 21, 2013, to increase the compensation for the position of City Manager from \$227,975 to \$250,000; and
- (c) Authorizing the City Clerk to execute an employment agreement between the City of San Jose and Ed Shikada in accordance with the general terms of compensation described in the memorandum to the Rules and open Government Committee from Mayor Chuck Reed, dated November 5, 2013.

(Mayor)

* (Rules Committee referral 11/13/13)

3. STRATEGIC SUPPORT SERVICES

- 3.1 Report of the City Manager, Debra Figone (Verbal Report)
- 3.2 Labor Negotiations Update

Recommendation: Accept Labor Negotiations Update.

TO BE HEARD AT 9:00 A.M.

3.3 Ordinance Related to Officeholder/Candidate Legal Defense Funds.

Recommendation: As recommended by the Rules and Open Government Committee on October 30, 2013, approve an <u>ordinance</u> amending Chapter 12.06 of Title 12 of the San José Municipal Code to amend Section 12.06.810 and to add a new Part 11 related to Officeholder/Candidate Legal Defense Funds. CEQA: Not a Project, File No. PP10-068(b), Municipal Code or Policy. (City Attorney) [Rules Committee referral 10/30/13 – Item G(4)]

* DEFERRED TO 12/3/13 PER ADMINISTRATION

- 7 - CC 11/19/13

3. STRATEGIC SUPPORT SERVICES

3.4 Retirement Board Governance.

Presentation

Memo from the Retirement Board Governance Committee

Recommendation: Acceptance of report and presentation on retirement board governance and direction to City staff on possible actions related to the report. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

TO BE HEARD NO EARLIER THAN 2:00 P.M.

3.5 <u>Terms of an Agreement with the Association of Building, Mechanical and Electrical</u> Inspectors (ABMEI).

Recommendation: Adopt a <u>resolution</u> to approve the terms of a collective bargaining agreement between the City and the Association of Building, Mechanical and Electrical Inspectors, and authorize the City Manager to execute an agreement with a term of July 1, 2013, to June 30, 2014. CEQA: Not a Project, File No. PP10-069(b), Personnel Related Decisions. (City Manager's Office)

* (Rules Committee referral 11/13/13)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Ordinance Implementing 2013 Fire Code Standards.

Recommendation: Approve an ordinance amending Chapter 17.12 of the San José Municipal Code to:

- (a) Adopt the 2013 edition of the California Fire Code (CFC), and the Standards referenced in 2013 CFC; and
- (b) Approve an ordinance to adopt the 2013 California Fire Code with the local amendments regarding fire suppression and alarm requirements, firefighter breathing air replenishment system for high-rise buildings, and the requirements relating to the design and installation of fire protection and special systems and hazardous material systems.

CEQA: Exempt, File No. PP13-082. (Planning, Building and Code Enforcement/Fire) [Community and Economic Development Committee referral 9/23/13 – Item D(6)(2) and Public Safety, Finance, and Strategic Support Committee referral 10/17/13 – Item D(4)] [Deferred from 11/5/13 – Item 4.1(b)]

* DEFERRED TO 12/3/13 PER ADMINISTRATION

4.2 Vacation of a Portion of Sixth Street.

Recommendation: Conduct a public hearing and adopt a <u>resolution</u> vacating a portion of Sixth Street between Virginia Street and Martha Street and reserving a public service easement over the entire area being vacated. CEQA: Mitigated Negative Declaration, File No. PDC07-035. Council District 3. (Public Works)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Report on Bids and Award of Construction Contract for the 5065-West Evergreen Park Project.

Memo from Vice Mayor Nguyen

Recommendation: Report on bids and award of a construction contract for 5065-West Evergreen Park to the low bidder, Star Construction, Inc., for the base bid and two Add Alternates in the total amount of \$1,200,000, and approval of a five percent contingency in the amount of \$60,000. CEQA: Exempt, File No. PP07-159. Council District 7. (Public Works)

5. NEIGHBORHOOD SERVICES

5.1 Motion for Reconsideration Relating to Item 5.1 on Council Agenda 11-5-13 (Bond Funded Softball Facility Update).

Memo from Councilmember Herrera

Recommendation:

- (a) Consider a motion to reconsider Council Action on November 5, 2013 regarding Item 5.1 Bond Funded Softball Facility Update. (Oliverio)
- (b) If the motion for reconsideration is approved:
 - (1) Accept the Measure P Bond funded Softball Facility Site Selection Study ("Study"); and
 - (2) Direct staff to proceed with next steps toward implementing recommendations outlined in the Study as follows:
 - (a) Pursue negotiations with the owners of the Arcadia site for the development of a softball facility at that site with a minimum of three adult sized lighted softball fields; and
 - (b) Return to the City Council in 2014 with recommendations on how to use any remaining reserves in the park bond funds.

CEQA: Not a Project, File No. PP10-069(a), Staff Reports. (Parks, Recreation and Neighborhood Services)

* (Rules Committee referral 11/13/13)

5.2 CALEMA Grant Application for San Jose Family Camp.

Recommendation:

- (a) Council by motion waive the 10-day noticing requirement for the following item, approve its placement on the agenda, and consider the following recommendation.
- (b) Adopt a <u>resolution</u> authorizing the City Manager or her designee to execute the California Emergency Management Agency (CALEMA) application and all related documents pertaining to damages at San José Family Camp as a result of the Yosemite Rim Fire.
- * CEQA: Not a Project; File No. PP10-068(a), Grant Application. (Parks, Recreation and Neighborhood Services)

- 9 - CC 11/19/13

6. TRANSPORTATION & AVIATION SERVICES

- 7. ENVIRONMENTAL & UTILITY SERVICES
- 8. PUBLIC SAFETY SERVICES
- 9. REDEVELOPMENT SUCCESSOR AGENCY
- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

• Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of General Plan Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the General Plan Consent Calendar (Item 10.1) and considered separately.

10.1 Tentative approval of General Plan Consent Calendar items.

No General Plan Consent Calendar items at this time.

10.2 <u>Amendment on a 1.4 Gross Acre Site Located on the South East Corner of Goodyear Street and Pepitone Avenue.</u>

Memo from Mayor Reed, Vice Mayor Nguyen and Councilmember Herrera

Recommendation: Tentative approval of General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Open Space, Parklands and Habitat to Public/Quasi-Public to allow a public elementary school on a 1.4 gross acres site located on the south east corner of Goodyear Street and Pepitone Avenue (1197 Lick Avenue) (City of San José, Owner). CEQA: Mitigated Negative Declaration, File No. PP12-091. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-0-1, Commissioner O'Halloran abstained) recommended approval. (Planning, Building and Code Enforcement) GP13-003 – District 3

(Deferred from 10/22/13 – Item 10.2)

TO BE HEARD JOINTLY WITH ITEMS 11.2 and 11.3

10.3 <u>San José/Santa Clara Regional Wastewater Facility General Plan Amendment.</u> Memo from Mayor Reed, Vice Mayor Nguyen, and Councilmembers Herrera and Rocha Memo from Councilmembers Liccardo and Kalra Memo from Councilmember Chu Supplemental

* Recommendation: Tentative approval of a General Plan amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation of a 308-acre portion of the San José/Santa Clara Water Pollution Control Plant from Public/Quasi-Public to Industrial Park (81 acres), Light Industrial (31 acres), Neighborhood Community Commercial (5 acres), Combined industrial/Commercial (11 acres) and Open Space, Parklands and Habitat (80 acres) located at the southern end of the San Francisco Bay within the northernmost portion of the City of San José immediately north of State Route 237, west of Interstate 880 (700 Los Esteros Road, APN 015-31-024+). (Cities of San José and Santa Clara, Owner)...

(Item continued on the next page)

- 11 - CC 11/19/13

10. GENERAL PLAN PUBLIC HEARINGS

10.3 <u>San José/Santa Clara Regional Wastewater Facility General Plan Amendment</u>. (Cont'd.)

Recommendation: ...CEQA: San José/Santa Clara Water Pollution Control Plant Master Plan EIR, File No. PP11-043 - Resolution to be adopted with Item 11.4. Director of Planning, Building and Code Enforcement recommends approval and Planning Commission (5-0-2, Abelite and Bit-Badal absent) recommends approval with the Nortech Parkway extension moved to the south of the designated Open Space, Parklands and Habitat Area. (Planning, Building and Code Enforcement) GP13-020 – District 4

TO BE HEARD JOINTLY WITH ITEM 11.4

10.4 <u>Five Wounds Urban Village Plans: Roosevelt Park, Five Wounds, Twenty Fourth and William Street, and Little Portugal.</u>

Memo from Mayor Reed and Councilmembers Liccardo and Campos

Recommendation: Adoption of Four (4) Urban Village Plans to implement the Urban Village strategy of the Envision San José 2040 General Plan, including the following minor General Plan land use designation and Village Boundary line changes:

- (a) Roosevelt Park Urban Village Plan: Approval of a General Plan amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation on a 0.71 acre portion of the Urban Village area located on the south side of East Santa Clara Street, approximately 240 feet west of US Highway 101 from Urban Village to Neighborhood/Community Commercial.
- (b) <u>Five Wounds Urban Village Plan:</u> Approval of a General Plan amendment to expand the Plan area boundary in the Envision San José 2040 General Plan Land Use/Transportation Diagram in one (1) location on the east side of North 26th Street, approximately 130 feet north of East Santa Clara Street to include two (2) parcels that are 0.12 and 0.23 acres in size.
- (c) <u>24th and William Street Urban Village Plan:</u> Approval of a General Plan amendment to expand the Plan Area boundary in the Envision San José 2040 General Plan Land Use/Transportation Diagram in one (1) location that includes three (3) parcels that are 1.37, 0.66, and 1.07 acres in size and located on both sides of McLaughlin Avenue, approximately 340 feet south of William Street.
- (d) <u>Little Portugal Urban Village Plan</u>: Approval of a General Plan amendment to:
 - (1) Expand the Plan boundary in the Envision San José 2040 General Plan Land Use/Transportation Diagram in the following three (3) locations:
 - (a) The east side of South 33rd Street, south of Alum Rock Avenue;
 - (b) The east side of North 34th Street, north of Alum Rock Avenue; and
 - (c) The north side of Alum Rock Avenue between Highway 101 and North 33rd Street;

(Item continued on the next page)

- 12 - CC 11/19/13

10. GENERAL PLAN PUBLIC HEARINGS

10.4 <u>Five Wounds Urban Village Plans: Roosevelt Park, Five Wounds, Twenty Fourth and William Street, and Little Portugal.</u> (Cont'd.)

Recommendation:

- (d) (2) Change the Envision San José 2040 General Plan Land
 Use/Transportation Diagram designation on each of the three locations
 subject to the Plan boundary change in 4(a)(i)-(iii) above from Residential
 Neighborhood to Urban Village; and
 - (3) Change the Envision San José 2040 General Plan Land
 Use/Transportation Diagram designation on a 2 acre portion of the Urban
 Village Plan area located on the north and south side of Alum Rock
 Avenue, approximately 210 feet to the east from US Highway 101, from
 Urban Village to Neighborhood/Community Commercial.

CEQA: Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041. Director of Planning, Building and Code Enforcement and Planning Commission (7-0-0) recommend approval of all four (4) Urban Village Plans and related General Plan Amendments specified above. Districts 3 and 5. (Continued from 10/22/13 – Item 10.4)

10.5 <u>Amendment on a 1.0 Gross Acre Site Located on the West Side of Thornton Way, Approximately 260 feet Northerly of Maywood Avenue.</u>

Recommendation: Tentative approval of a General Plan Amendment to change the Envision San José 2040 General Plan Land Use/Transportation Diagram designation from Residential Neighborhood to Mixed-Use Neighborhood on 1.0 gross acre site, located on the west side of Thornton Way, approximately 260 feet northerly of Maywood Avenue. (Plaza III, Owner). CEQA: Mitigated Negative Declaration, Resolution to be adopted with Item 10.6. Director of Planning, Building and Code Enforcement and Planning Commission (6-1, Commissioner Cahan opposed) recommended approval. GP13-006 – District 6

(Deferred from 10/22/13 – Item 10.3)

TO BE HEARD JOINTLY WITH ITEM 11.5

10.6 Adopt a Resolution Approving All General Plan Amendment Actions and adopting the Five Wounds Urban Village Plan Actions on October 22, 2013 and November 19, 2013.

Recommendation: Adopt a <u>resolution</u> approving all of the General Plan amendment actions and adopting the Five Wounds Urban Village Plan actions taken on October 22, 2013 and November 19, 2013, and adopt all related CEQA resolutions. (Planning, Building and Code Enforcement) <u>Items 10.5 and 11.5 CEQA Resolution</u> (Continued from 10/22/13 – Item 10.5)

- 13 - CC 11/19/13

11. PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

Recommendation:

- (a) Consideration of an <u>ordinance</u> conforming conventional zoning of properties located on the northwest corner of Race Street and Parkmoor Avenue (529, 581 and 691 Race Street) from HI Heavy Industrial to IP Industrial Parking Zoning District on an approximately 4.29 gross acre site (Green Valley Corporation, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement)

 <u>CP13-036</u> District 6
- (b) Consideration of an <u>ordinance</u> conforming conventional rezoning of a real property located on the south side of East Brokaw Road, between North First Street and Bering Drive, from the IP Industrial Park, LI Light Industrial, CG Commercial General, R-2 Two-Family Residence, and IP(PD) Zoning Districts to the TEC Transit Employment Center Zoning District on a 31.09 gross site (Peery-Arrillaga, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. (Planning, Building and Code Enforcement)

 <u>CP13-045</u> District 3
- * (c) Consideration of an <u>ordinance</u> conforming rezoning of a real property located on the south side of West Hedding Street, approximately 330 feet easterly of Spring Street (360 W. Hedding Street) from the CO Commercial Office Zoning District to the LI Light Industrial Zoning District on a 0.24 gross acre site (Orlando Nunes, Owner). CEQA: Envision San José 2040 General Plan Final Program EIR, Resolution No. 76041. (Planning, Building and Code Enforcement) C13-040 District 3

RECOMMEND DEFERRAL TO 1/14/14 PER ADMINISTRATION

- 14 - CC 11/19/13

11. PUBLIC HEARINGS

11.2 <u>Conventional Rezoning Real Property Located on the South East Corner of Goodyear Street and Pepitone Avenue.</u>

Memo from Mayor Reed, Vice Mayor Nguyen and Councilmember Herrera

Recommendation: Consideration of an <u>ordinance</u> to rezone from LI Light Industrial Zoning District to R-M Multiple Residence Zoning District, on a 1.4 gross acres site located on the south east corner of Goodyear Street and Pepitone Avenue (1197 Lick Avenue) (City Of San José, Owner). CEQA: Mitigated Negative Declaration, File No. PP12-091. Director of Planning, Building and Code Enforcement and Planning Commission (6-0-1, Commissioner O'Halloran recused) recommended approval. (Planning, Building and Code Enforcement)

C13-013 - District 3

(Deferred from 10/22/13 – Item 11.2)

TO BE HEARD JOINTLY WITH ITEMS 10.2 and 11.3

11.3 <u>Agreement with Launchpad Development Company for Construction of Rocketship</u> Tamien Public School.

Memo from Mayor Reed, Vice Mayor Nguyen and Councilmember Herrera

Recommendation: Approve a revised <u>Purchase and Sale Agreement</u> between the City of San José and Launchpad Development Company, a California non-profit corporation, for the sale of approximately 26,528 square feet (0.6 acres) of real property in the amount of \$848,896 to facilitate the construction of Rocketship Tamien Public School #8, with the understanding that the acquired property will be transferred to Launchpad Development Nine, LLC, a California limited liability company. CEQA: Mitigated Negative Declaration, File No. PP12-091. Council District 3. (Parks, Recreation and Neighborhood Services)

(Deferred from 10/22/13 – Item 11.3)

TO BE HEARD JOINTLY WITH ITEMS 10.2 and 11.2

11.4 <u>San José/Santa Clara Regional Wastewater Facility Master Plan and General Plan</u> Amendment.

Supplemental

Memo from Mayor Reed, Vice Mayor Nguyen, and Councilmembers Herrera and Rocha

Memo from Councilmembers Liccardo and Kalra

Memo from Councilmember Chu

Supplemental

* Recommendation:

- (a) Conduct an ADMINISTRATIVE HEARING and consider an APPEAL of the Planning Commission's certification of the Environmental Impact Report (EIR) for the proposed project, the San José/Santa Clara Water Pollution Control Plant Master Plan. In addition, consider adoption of a resolution to uphold the Planning Commission's certification of the EIR and certify that:
 - (1) The City Council has read and considered the EIR;
 - (2) The EIR has been completed in compliance with the California Environmental Quality Act (CEQA);

(Item continued on the next page)

11. PUBLIC HEARINGS

11.4 <u>San José/Santa Clara Regional Wastewater Facility Master Plan and General Plan</u> Amendment. (Cont'd.)

Recommendation:

- (a) The EIR represents the independent judgment and analysis of the City of San José; and
 - (4) The Director of Planning, Building and Code Enforcement shall transmit copies of the EIR to any other decision-making body of the City of San José for the project.
- (b) Adopt a <u>resolution</u> making certain findings concerning significant environmental impacts, mitigation measures and alternatives, adopting a mitigation and monitoring and reporting program, and adopting a statement of overriding considerations in accordance with CEQA for the San José/Santa Clara Water Pollution Control Plant Master Plan.

PP11-043/GP13-020- District 4

(c) As recommended by the Transportation and Environment Committee on October 7, 2013, approve the San José/Santa Clara Water Pollution Control Plant Master Plan, with modifications to the Land Use Component consistent with staff recommendations. [Transportation and Environment referral 10/7/13 – Item d(2)]

(Planning, Building and Code Enforcement/Environmental)

TO BE HEARD JOINTLY WITH ITEM 10.3

11.5 Prezoning Real Property Located on the West Side of Thornton Way.

Recommendation: Consideration of an <u>ordinance</u> to Pre-Zone from County to R-M, Multiple Residence Zoning District on a 1.0 gross acre site, located on the west side of Thornton Way, approximately 260 feet northerly of Maywood Avenue. (Plaza III, Owner). CEQA: Mitigated Negative Declaration, to be adopted under Item 10.6. Director of Planning, Building and Code Enforcement and Planning Commission (6-1, Commissioner Cahan opposed) recommended approval. (Planning, Building and Code Enforcement)

C13-026 - District 6

(Deferred from 10/22/13 – Item 11.4)

TO BE HEARD JOINTLY WITH ITEM 10.5

- 16 - CC 11/19/13

11. PUBLIC HEARINGS

11.6 Rezoning the Real Property Located at/on the Easterly Terminus of Skyway Drive, East of Monterey Road, Near the Southeast Corner of the Football Field.

Recommendation: Consideration of an ordinance rezoning the real property located at/on the easterly terminus of Skyway Drive, East of Monterey Road, near the southeast corner of the football field (100 Skyway Drive) from A(PD) Zoning District to the A(PD) Zoning District to allow: 1) increase student population from 1,300 to 2,300 students; 2) allow inbound school bus access on Diamond Heights Drive; 3) remove a requirement for a transportation mitigation measure at Skyway Drive and Monterey Road; and 4) modify Santa Clara Valley dudleya plant mitigation measures on a 56.2 gross acres site (Valley Christian Schools, Owner). CEQA: Valley Christian Schools EIR. (Planning, Building and Code Enforcement)

<u>PDC12-012</u> – District 2

DROP - TO BE RENOTICED

11.7 <u>ADMINISTRATIVE HEARING and Consideration of an APPEAL of the Planning Commission's Decision to Approve a Conditional Use Permit Renewal.</u>

Memo from Councilmember Liccardo

Recommendation: Conduct an ADMINISTRATIVE HEARING and consideration of an APPEAL of the Planning Commission's decision to approve a Conditional Use Permit renewal to allow the continued operation of a drinking establishment (Club Caribe) with late night use until 2:00 a.m. daily on a 0.52 gross acre site, in the CP Commercial Pedestrian Zoning District, located on the southwest corner of South 1st Street and Willow Street (1009 S. 1st Street) (Avanessian Sandra G, Owner). CEQA: Exempt. Director of Planning, Building and Code Enforcement recommends denial. (Planning, Building and Code Enforcement)

CP13-037 - District 3

• Notice of City Engineer's Pending Decision on Final Maps

* In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

		Council		Lots/		Proposed
Tract	<u>Location</u>	District	<u>Developer</u>	<u>Units</u>	<u>Type</u>	Decision
10169	Southeast cornr of	4	Pulte Home	22 Lots /	SFA	Approval
	Berryessa Road and		Corporation	66 Units		
	North Jackson Avenue					

Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

• Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

- 19 - CC 11/19/13

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.

- 20 - CC 11/19/13